

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

**UNITED STATES OF AMERICA**

**V.**

## Richard Boggs

CRIMINAL NO. 3:22-221-01(CMC)

**MOTION FOR SENTENCE REDUCTION  
PURSUANT TO RETROACTIVE  
GUIDELINE AMENDMENT 821**

## I. Introduction

Defendant Richard Boggs, by and through his undersigned attorney, respectfully moves this Court for an indicative ruling that he would qualify for a sentence reduction under retroactive Guideline Amendment 821. Pursuant to U.S.S.G. § 4C1.1, effective November 1, 2023, certain offenders with no criminal history points are afforded an additional two-level reduction. Mr. Boggs qualifies for the two-level reduction because he does not have any of the disqualifying criteria set out in §4C1.1(a)(1)-(10).

## II. Discussion

Mr. Boggs was sentenced to 27 months in prison on June 28, 2023. His Guidelines range was 27-33 months based on a total offense level of 18 and a CHC of I. He had no criminal history points.

Under retroactive U.S.S.G. § 4A1.1(C) effective November 1, 2023, Mr. Boggs' guideline range is reduced because he does not have any disqualifying criteria as set forth in §4C1.1(a)(1)-(10). Under the amended, retroactive Guideline, Mr. Boggs' total offense level is 16 and his CHC is I. His Guidelines range becomes 21-27 months. Mr. Boggs requests that this court reduce his sentence to 21 months, a sentence within the Guideline range commensurate

with the sentence imposed originally. The Guidelines range cited herein and eligibility for relief have been confirmed by an SRR prepared by the United States Probation Office.

Mr. Boggs has filed Notice of Appeal. His appeal is pending before the Court of Appeals. The filing of a notice of appeal generally is a jurisdictional event which “divests the district court of its control over those aspects of the case involved in the appeal.” *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982) (per curiam). However, this Court may issue an indicative ruling on this motion. *See United States v. Bunch*, 828 F. App’x 185 (4th Cir. 2020); Fed. R. Crim. P. 37(a).

### **III. Conclusion**

Based on the retroactive application of U.S.S.G. §4A1.1(e), Mr. Boggs asks that this court issue an indicative ruling that it would reduce Mr. Boggs’ sentence to 21 months as to all counts, to be served concurrently.

Respectfully submitted,

s/William F. Nettles, IV  
William F. Nettles, IV (DSC #5935)  
Federal Public Defender  
Federal Public Defender’s Office  
1901 Assembly Street, Suite 200  
Columbia, South Carolina 29201  
Telephone: (803) 765-5088  
Email: bill\_nettnles@fd.org

December 21, 2024  
Columbia, South Carolina